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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

Dr. Grant M. Saxena, Ph.D.,

Plaintiff,

vs.

Martinez-Hernandez, et., al,

Defendants.

Civil Action No.: 2:21-cv-02126-CDS-BMW

Lloyd D George Courthouse

333 S Las Vegas Blvd, Las Vegas, NV 89101

08/14//2023

OPPOSITION TO MOTION TO DISMISS, OR IN THE
ALTERNATIVE SANCTION

**OPPOSITION TO DEFENDANT’S MOTION TO DISMISS WITH PREJUDICE, OR
IN THE ALTERNATIVE SANCTION**

HEARING REQUESTED

NOW COMES the Plaintiff, Dr. Grant M. Saxena, Ph.D., appearing Pro Se and
opposes the defendant’s motion to dismiss with prejudice or sanction in the Civil Action:
1-22-cv-02126-CDS-BNW.

Very Respectfully Submitted,

/s/ Dr. Grant M. Saxena, Ph.D.

Dr. Grant Mitchell Saxena, Ph.D.

08/14/2023

275 New North Road, #2051

London, N1 7AA /s/

MEMORANDUM OF POINTS AND AUTHORITY

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4 1. On 12/21/2022, Plaintiff filed the complaint through
5 lv_public_docketing@nvd.uscourts.gov.

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8 2. After absconding and failing to waive service for at least five months, on 06/07/2023,
9 the defendants filed their first motion to dismiss claiming lack of diversity jurisdiction.

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11 3. Plaintiff filed two requests for leave to amend the complaint to cure all the deficiencies
12 that could exist, including updating of domicile addresses, establishing federal jurisdiction
13 naming a 1983 claim, and the motions were objected to and ultimately denied.
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16 4. More recently, defendants filed a vexatious and redundant second motion to dismiss
17 based on their argumentative allegations of a non-working email address and phone number for
18 plaintiff.
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21 5. Plaintiff, Dr. Saxena, Ph.D., denies each and every single one of the defendant's
22 allegations, particularly that he has lied, or that he has intentionally purported any false
23 information. All information was valid and put forth in good faith by the pro se litigant to the
24 best of his knowledge and ability, at the time the pleadings were filed, and at all times after.
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1 6. Defendant's counsel Ms. Bedker is not a licensed private investigator, so she fails
2 while attempting to gather intelligence data on the plaintiff in order to leverage false allegations
3 in court.
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6 7. The firm, Mr. Edwards and Ms. Bedker do not have access to all documents that would
7 establish a domicile. They are missing vital ones that can prove Florida has been used by the
8 plaintiff as an American domicile since the beginning of the abuses by the state and private party
9 defendants in 2021.
10

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12 8. Further, I just learned that an American citizen living abroad is considered stateless
13 and unable to bring federal claims under diversity jurisdiction. So, even based on my United
14 Kingdom law school and work addresses, the entirety of the defendant's argument, that I am
15 domiciled in Nevada, is substantially irrelevant due to the precedent of "statelessness."
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19 a. The firm is only attempting to portray the plaintiff in a negative light so they may
20 gain sanctions they are not entitled to. The firm uses an unscrupulous method of
21 conclusory accusations, by inventing and fabricating conclusions and men's rea
22 for the plaintiff, without full awareness of all records that actually exist.
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26 9. As mentioned previously, due to absconding from service obligations requiring three
27 motions for extensions of time to serve the summons to file and be adjudicated, and more
28 extensions to reply to motions instead of writing an amended complaint, plus the harassing and

1 stalking nature of the unlicensed and erroneous private investigation by Ms. Bedker, and other
2 incidents which will be revealed during discovery, Plaintiff did not feel comfortable continuing
3 dialogue with the unprofessional firm counsel Ms. Bedker, with Mr. Edwards, or safe opening
4 duplicate filings sent in large emails, which clog private computers servers and could contain
5 viruses, delivered from their paralegal.
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9 10. Ms. Bedker and Mr. Edwards have posted private data and records totalling nearly 80
10 pages, about Dr. Saxena, Ph.D., and his assets, outside of the rules of discovery and
11 constitutional privacy laws, which can be now accessed through any basic public search of my
12 name and cases on websites like pacermonitor.com.
13
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- 15 a. These actions are clearly abusive and harrassing because the plaintiff has
16 repeatedly attempted to update the contact information and federal claim
17 jurisdiction through requests to file an amended complaint, which renders their
18 angle for dismissal moot, beyond also being incorrect about plaintiff's domicile.
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21 11. Eventually, once the proper defendants are added to the lawsuit, perhaps it would be
22 irrelevant to need to communicate with Becker and Edwards, in the event the defendants seek
23 alternative counsel. So, rather than working to professionally litigate on the merits through
24 agreeing to see the claims of the amended complaint, the firm and defendants are complaining
25 that I am not giving information to the court which would certainly be divulged in the amended
26 complaint. The defendants are illogically asking for the case to be dismissed for information that
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1 is available in an amended complaint, while simultaneously disagreeing and objecting so that the
2 plaintiff is unable to file the amended complaint when he motions.
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5 12. Finally, if the action is dismissed with prejudice, without allowing for an amended
6 complaint to be filed, an appeal will surely prevail. Plaintiff May Appeal From His Voluntary or
7 Involuntary Dismissal With Prejudice Entered After The Trial Court's Adverse Rulings. *See Raza*
8 v. Spain, where the dismissal with prejudice was vacated. The order denying plaintiff's motion
9 for leave to amend the complaint was reversed, and the trial court was directed to enter a new
10 order granting that motion. The matter was remanded for further proceedings not inconsistent
11 with this opinion. Plaintiff was awarded his costs on appeal. On the merits, the *Raza* court found
12 the trial court abused its discretion in refusing leave to amend, because "[n]othing about the
13 complaint indicated it was "incapable of amendment."
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18 13. "Ordinarily, a plaintiff's voluntary dismissal is deemed to be nonappealable on the
19 theory that dismissal of the action is a ministerial action of the clerk, not a judicial act." (*Stewart*
20 v. *Colonial Western Agency, Inc.* (2001) 87 Cal.App.4th 1006, 1012.) "However, appellate courts
21 treat a voluntary dismissal with prejudice as an appealable order if it was entered after an adverse
22 ruling by the trial court in order to expedite an appeal of the ruling." (*Ibid.*; see also *Austin v.*
23 *Valverde* (2012) 211 Cal.App.4th 546, 550-551 [" '[M]any courts have allowed appeals by
24 plaintiffs who dismissed their complaints after an adverse ruling by the trial court, on the theory
25 the dismissals were not really voluntary, but only done to expedite an appeal." In this case, the
26 denying of two motions for leave to amend the complaint to establish the proper claims within
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1 federal jurisdiction meets the test for adverse rulings, because the jurisdiction qualification
2 cannot be overcome with any other type of pleading than an amended complaint.
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5 **CONCLUSION**
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8 14. Unless the defendants agree, or the court grant's leave to amend the complaint, both
9 entities have stalled the progress of the civil action on its merits at jury trial under the proper
10 jurisdiction. The amended complaint pleading will also satisfy all updated addresses and is the
11 proper method to handle the civil action for the sake of justice.
12

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14 **PRAYER FOR RELIEF**
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17 15. I oppose the motion to dismiss, oppose alternative summary judgment with sanctions,
18 and give notice of a pending motion to expedite appeal unless leave is granted to amend the
19 complaint.
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21 Very Respectfully Opposed,
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23 /s/ Dr. Grant M. Saxena, Ph.D.

24

Dr. Grant Mitchell Saxena, Ph.D.

25 08/14/2023

26 275 New North Road, #2051

27 London, N1 7AA /s/
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